

Exhibit 1

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEITH TURNER,

Plaintiff,

Index No.

vs.

06 CV 1910

NYU HOSPITALS CENTER, NYU MEDICAL
CENTER, NYU SCHOOL OF MEDICINE, and
NYU HEALTH SYSTEM,

Defendants.

-----X

November 15, 2006

10:07 a.m.

Deposition of KEITH ALLAN TURNER, held
at the offices of Jones Hirsch Connors &
Bull P.C., One Battery Park Plaza, New York,
New York, pursuant to Notice, before Maureen
McCormick, a Notary Public of the State of
New York.

Computer Reporting Incorporated

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1 *K. Turner*

2 Q. Are you married?

3 A. Yes.

4 Q. What is your wife's name?

5 A. Dene Motoike.

6 Q. Does she live with you?

7 A. Yes.

8 Q. Do you have any children living with
9 you?

10 A. Yes.

11 Q. Tell me their names and ages.

12 A. One child, James. 13 years old.

13 **MR. GOLDBERG:** Peter, I'm giving you a
14 copy of Mr. Turner's current resume that is
15 on the monster.com. I think you are marking
16 it as Exhibit A. Feel free to question Mr.
17 Mr. Turner about it.

18 (Defendant's Exhibit A, Resume, marked
19 for identification.)

20 Q. Take a look at what's been marked as
21 Exhibit A and tell me if that's the resume that
22 you posted at monster.com.

23 A. Yes.

24 Q. I wanted to ask you some questions
25 about your employment before you worked for NYU

1 *K. Turner*

2 recall.

3 In charge of the managers and the
4 staff.

5 Q. Approximately how many people were
6 under your supervision in that job?

7 A. Over 50, maybe.

8 Q. Why did you leave that job?

9 A. Relocation.

10 Q. By relocation, was that a return to
11 the United States?

12 A. Yes.

13 Q. At the time that you were hired at NYU
14 Hospital, were you working at the Ardsley Acres
15 Hotel or were you unemployed?

16 A. I was working at Ardsley Acres Hotel.

17 Q. How did you hear about the possibility
18 that there would be a job at NYU Hospital?

19 A. Through Joey. The building service
20 director, Joey Morelos.

21 Q. Did you know Mr. Morelos previously?

22 A. Yes.

23 Q. How did you know him?

24 A. He had worked as an executive
25 housekeeper at the Intercontinental Hotel in New

1 *K. Turner*

2 York.

3 Q. Is that some place you had worked as
4 well?

5 A. No. No, it was not.

6 Q. How did you know him in connection
7 with that hotel?

8 A. My wife worked there.

9 Q. So would it be fair to say he was a
10 social friend of yours at that time?

11 A. Well, he was an associate. He worked
12 for my wife. Actually, he worked in her -- under
13 her supervision, so I knew him as a subordinate
14 and -- of my wife's, and through that connection,
15 and we did socialize on occasion.

16 Is that accurate?

17 MR. GOLDBERG: It's your testimony.

18 THE WITNESS: I mean --

19 MR. GOLDBERG: Just answer the
20 question.

21 THE WITNESS: Yes.

22 Q. When did he, if you know, stop working
23 at the Intercontinental and join NYU?

24 A. I'm not sure. My -- because we had
25 relocated to Westchester, so he was at the

1 *K. Turner*

2 Intercontinental when we left. He was still
3 there, so from my understanding. I wouldn't
4 guess, so --

5 Q. As your attorney said, I don't want
6 you to guess.

7 A. Right.

8 Q. Did Mr. Morelos contact you to tell
9 you about the opportunity at NYU or did you
10 contact him or something else?

11 A. I'm not certain how the
12 conversation -- it came up in conversation, but
13 who initiated the conversation, I'm not certain.

14 Q. Do you recall what if anything he told
15 you about what job was available at NYU?

16 A. In the conversation, I do remember
17 something about the fact was I looking -- still
18 looking for work or seeking employment. There was
19 something available. He had something available
20 that he thought I was suitable for, knowing my
21 background, my experience.

22 Q. Did he tell you what the job consisted
23 of?

24 A. Managing a staff in the building
25 service department that he was the director of,

1 *K. Turner*

2 and that it was in the housekeeping division, and
3 that it was a large staff, and that he thought I
4 would -- even though I had a food and bench
5 background, I had an extensive managerial
6 background worldwide. Managerial background, and
7 I would fit in well.

8 Q. Did he tell you whether that
9 managerial position was vacant at the time or were
10 you replacing an existing manager?

11 A. I don't recall. I don't recall.

12 Q. Did you have any interviews with
13 anybody other than Mr. Morelos before being hired
14 at NYU?

15 A. You mean at NYU?

16 Q. Yes.

17 Other than speaking to Mr. Morelos, as
18 I just related, did you come in and have
19 interviews with anybody else that worked at NYU?

20 A. I had not before the conversation with
21 Mr. Morelos. After that.

22 Q. After that, tell me who you
23 interviewed with at NYU.

24 A. Mr. DeGazon and Ms. Pineda.

25 Q. What was Mr. DeGazon's position at

1 *K. Turner*

2 that time? Do you know?

3 A. Assistant director of building
4 services.

5 Q. And Ms. Pineda?

6 A. Operations manager, building services.

7 Q. Tell me what you can recall about
8 those interviews.

9 A. They went over my record, my
10 background, asked me questions about my resume,
11 where I worked, and what they were looking for,
12 what type of individual, what they needed, what
13 they were trying to accomplish in the housekeeping
14 division, building services, and what kind of
15 assistance Ms. Pineda was looking for, what kind
16 of assistant, what kind of manager she was looking
17 for, that type...

18 Q. Do you recall what she told you about
19 the type of manager she was looking for?

20 A. Just not -- well, basic skills that I
21 had. You know, someone with confidence and
22 ability to manage a large staff and to mete out
23 disciplinary -- you know, adhere to disciplinary
24 guidelines and things of that nature, make sure
25 that the procedures and policies of the department

1 *K. Turner*

2 would be followed and adhered to.

3 Q. Did Mr. Morelos before you were hired
4 tell you anything about his opinions or relations
5 with Mr. DeGazon or Ms. Pineda?

6 MR. GOLDBERG: Before Keith was hired?

7 MR. SHAPIRO: Yes.

8 A. I can't recall. Opinions of them, of
9 the --

10 Q. Yes.

11 MR. GOLDBERG: Before you were hired.

12 A. Not -- I can't recall anything in
13 general terms, no.

14 Q. Do you recall what month and year this
15 interview process was taking place in?

16 A. It was 2002 I was hired, so it was --
17 must have been in August or -- I was hired in
18 September, so it had to be August or September.

19 Q. Did someone contact you and tell you
20 you were hired?

21 A. Yes. How I was contacted, I don't
22 recall.

23 Q. You accepted the job?

24 A. Yes.

25 Q. Do you recall what your starting

1 *K. Turner*

2 salary was?

3 A. 58,000 something.

4 Q. When you started work, who, if anyone,
5 were you reporting to directly?

6 A. Hilda Pineda and DeGazon.

7 Q. Were you reporting to Mr. DeGazon
8 directly or through Ms. Pineda?

9 A. First Pineda, and Ms. Pineda and Mr.
10 DeGazon. Their offices were next to each other,
11 and I -- I was in communication with both. Most
12 direct with Ms. Pineda.

13 Q. What was your title?

14 A. Day manager building services.

15 Q. At that time, were there any other
16 employees who held the title of manager in
17 building services?

18 A. Yes.

19 Q. Who were those people?

20 A. Bozena Sutowski.

21 Q. Anybody else?

22 A. There was manager Frank -- he was
23 manager building services, Frank Trujillo. He
24 was -- he worked in the evenings.

25 Q. What were your hours?

1 *K. Turner*

2 A. Day manager, basically eight to four.

3 Q. At the time you started, were your
4 duties and Mr. Sutowski's divided in any
5 particular way?

6 A. No.

7 Q. You shared the same duties; is that
8 correct?

9 A. Yes.

10 Q. Tell me generally what those duties
11 were.

12 A. A daily check -- checking in of the
13 staff, housekeeping staff for Tisch Hospital,
14 floors 6 through 17 -- or I'm sorry -- floors 2
15 through 17. I'm sorry. Can I check that? Floors
16 lobby through 17. It's been a few years.

17 Those were the daily check-ins of all
18 the staff from lobby through 17 in Tisch Hospital.

19 Q. Were there any other locations that
20 the building services department was responsible
21 for?

22 A. Yes, the Rusk Institute, and it also
23 had another name, which -- they had different
24 names, but I can't recall at this time what it was
25 called, but it was the Rusk building, and building

1 *K. Turner*

2 called HCC.

3 Q. Were you and Ms. Sutowski also
4 responsible for the housekeeping staff at those
5 locations?

6 A. Yes.

7 Q. Did you have an office?

8 A. Yes.

9 Q. Where was your office?

10 A. We had two offices. My office was
11 located in HCC building, and we had a main office
12 in Tisch building in the basement.

13 Q. Did you work out of that location at
14 times?

15 A. Every morning.

16 Q. Where was Ms. Sutowski's office?

17 A. She had an office adjacent to the --
18 our main gathering office, check-in office, in the
19 basement of Tisch.

20 Q. Where were the offices of Mr. DeGazon
21 and Ms. Pineda that you described earlier?

22 A. Across the street, and the building
23 I -- it escapes me at the moment.

24 Q. Separate building?

25 A. A separate building across the street

1 *K. Turner*

2 A. In addition to the daily check-ins,
3 there were advising -- making sure the policies
4 and procedures were being followed by all staff,
5 inspections of all the floors, coordinating the
6 daily activities with the nurses' stations, and
7 coordinating all building service activities with
8 the different departments throughout the hospital,
9 attending -- making sure that all training was
10 being followed by new staff, and the evaluations
11 of all staff was updated and current, all human
12 resource policies regarding training, disciplinary
13 guidelines, were being followed, all reports were
14 being -- daily reports were filled out and given
15 to my superiors, issues, such as -- well,
16 training, again, staff development, infection
17 control issues, fair and safety issues.

18 All those types of procedures that
19 needed to be done and updated. The equipment --
20 equipment -- how do you say? Condition of
21 equipment was -- everything was in working order.
22 Supplies, adequate supplies being provided for the
23 employees.

24 All of these types of things on a
25 daily basis and answering calls throughout the day

1 *K. Turner*

2 through the various departments for a million
3 square feet in every department throughout the
4 various buildings.

5 Those were some of the things that I
6 recall.

7 Q. When you first started at NYU, was any
8 kind of training for these various duties
9 provided?

10 A. I had some management -- I would say
11 not practical meetings, but management theory, I
12 would say, through Mr. DeGazon. Maybe three
13 meetings of things that I found that were -- there
14 was an HR program as well that was attended, an
15 introduction, a beginnings -- I think it was
16 called new beginnings. It was an HR program as an
17 orientation program provided by human resources at
18 NYU.

19 In addition, Mr. DeGazon gave, I
20 think, three meetings of his own that were
21 management theory based, not practical use to me.

22 Q. In the various meetings that you just
23 described, were those all within the first month
24 or two after you started?

25 A. The human resource orientation

1 *K. Turner*

2 A. I'm sorry? Once I became employed
3 there or --

4 Q. Yes, if you had encountered any
5 problems in interpersonal relations with any of
6 the other employees.

7 MR. GOLDBERG: Are you saying did he
8 have issues with other employees?

9 MR. SHAPIRO: Yes.

10 MR. GOLDBERG: Any particular time
11 frame? The whole 18 months?

12 Q. Starting at any point from when you
13 started forward, did you begin to experience any
14 problems in your mind? And if so, tell me about
15 the first such problems you encountered.

16 A. There were -- when there were issues
17 with people occasionally who weren't following the
18 policies and procedures of the department, then
19 normally I would sit and maybe counsel people,
20 employees, of either some type of infraction.

21 There were times I was instructed
22 through DeGazon or Pineda to -- that -- encouraged
23 to be more heavy handed and demanded that I create
24 more of an example, let's say, or use more
25 disciplinary force.

1

K. Turner

2

3 It was expected of me, so there
4 were -- there were union hearings and so forth on
5 certain individuals from time to time.

6

7 Q. Were those union hearings as a result
8 of your having to impose more discipline pursuant
9 to your superiors' directives?

10

11 A. I would say at -- there were some --
12 there were a few cases like that, yes. I don't
13 know how many or -- how many people just weren't
14 following -- I can't say how many, but yes, there
15 were incidents like that.

16

17 Q. Do you know when the first time was
18 that Ms. Pineda or Mr. DeGazon told you that you
19 needed to be more of a disciplinarian, if that's
20 an accurate characterization of your testimony?

21

22 MR. GOLDBERG: And I'll just make my
23 little objection that you don't have to --
24 if he characterized your testimony in a way
25 that's not quite the way you meant it, you
26 should clarify that when you answer his
27 question.

28

29 A. Okay. I will clarify in this way: As
30 part of my job, when people weren't following
31 disciplinary guidelines, it was my job to issue

1 *K. Turner*

2 warnings or issue the disciplinary action.

3 Was it my job to, you know, force, you
4 know, continue the issue to resolve it in such a
5 manner where it created a work environment like
6 that where it led to union hearings? I don't know
7 if we needed to go down that path all the time is
8 what I'm saying.

9 At the insistence of Pineda and
10 DeGazon, and certain instances, that did happen,
11 so I thought either perhaps myself or the other
12 managers were being disciplinarian enough, and in
13 their view it wasn't at times. They thought it
14 needed to be more.

15 Q. My question is: When, if you can
16 recall, was the first time that either of them
17 made clear that they thought in any instance --
18 wait until I finish the question -- that more
19 discipline was appropriate?

20 Is that something you would be able to
21 say happened within the first two months, six
22 months?

23 A. I couldn't say. We'd have to go
24 through the records. There's union records I'm
25 sure of the disciplinary action.

1 *K. Turner*

2 RQ MR. GOLDBERG: We would request the
3 plaintiff's side that to the extent this is
4 an issue that you believe is relevant to the
5 case, Peter, we would ask that you produce
6 the union files for the employees that you
7 are talking about, who you haven't named, so
8 that my client could then read the records,
9 refresh his recollection and testify about
10 union employees that were put through any
11 type of discipline, because I don't think he
12 can really testify without seeing those
13 files.

14 MR. SHAPIRO: I'm not aware of who
15 they are, so...

16 MR. GOLDBERG: Okay.

17 Q. How was your working relationship with
18 Ms. Sutowski?

19 A. Ms. Sutowski and I didn't -- we worked
20 very hard. It's working in a large hospital like
21 that, there's a lot of requirements, pretty --
22 very hectic days. Didn't always agree on -- see
23 eye to eye on certain ways of going about getting
24 things done, let's say, or resolving certain
25 situations, but -- so occasionally something would

1 *K. Turner*

2 come up.

3 Again, I would point out that didn't
4 go unnoticed or untreated, I would say, by my
5 superiors.

6 Q. What did you your superiors do?

7 A. In my opinion?

8 Q. You said it didn't go unnoticed, and
9 I'm asking if they noticed and then did something,
10 and if so, what did they do.

11 A. They mentioned the fact that they knew
12 there was some friction there or something. I
13 think they mentioned it in a form -- I think they
14 created it intentionally. I mean, not -- they
15 didn't create the friction.

16 I think they kept the divide and
17 conquer. Instead of bringing us together, they
18 intentionally worked on any -- any kind of
19 conflict, or let's say they were -- I think that
20 suited them that there was a conflict.

21 Q. When referring to they, tell me
22 specifically who you are talking about.

23 A. Ms. Pineda and Mr. DeGazon.

24 Q. What was your opinion as to why that
25 suited them?

1 *K. Turner*

2 A. It suited them because eventually they
3 were hoping that one of us would leave. They were
4 hoping we didn't work out any differences, that we
5 didn't come together, we didn't resolve any
6 issues, and that one of us would leave.

7 Q. Did anybody ever tell you that that
8 was their hope or intention?

9 A. Did anybody tell me they wanted to --
10 they wanted us to leave?

11 Q. Prior to the time, obviously, that you
12 both left, was there any comment by anybody that
13 they wanted you to leave or they wanted her to
14 leave?

15 A. Well, I know Mr. DeGazon never wanted
16 me hired.

17 Q. How do you know that?

18 A. Mr. Morelos at one point during my
19 employment told me that. They told me that -- he
20 told me -- Mr. Morelos told me at one point -- I
21 don't know where it was. I believe during rounds
22 or at one point when I mentioned things --
23 something wasn't right or why I was being targeted
24 or selected for certain type of treatment, which I
25 didn't bring to Mr. Morelos's -- I didn't want

1 *K. Turner*

2 to -- I respected him too much to keep complaining
3 to him, but I did mention something to him, and he
4 mentioned to me that Mr. DeGazon and Ms. Pineda
5 did not want to put me forward for hire. They
6 wanted to hire Mr. Robert Stephen prior to my
7 coming aboard.

8 Q. Do you have any ability to approximate
9 when this conversation with Mr. Morelos took
10 place?

11 A. I was trying to recall, and I knew --
12 I know -- I knew -- I know it took place. Where
13 in the hospital I was trying to -- and I was
14 trying to recall what prompted the conversation.
15 It was something I was mentioning about some type
16 of -- something I was concerned about, some
17 treatment I was receiving, and then it made sense
18 to me because I couldn't understand why I was
19 being treated a certain way, and then it made
20 sense to me that I wasn't really -- that I was
21 never wanted there by Mr. DeGazon.

22 Q. Do you remember what the specific
23 issue was at that time that caused you to speak to
24 Mr. Morelos about that?

25 A. No. Mr. DeGazon used to -- would come

1 *K. Turner*

2 to the daily check-in every day, and why he would
3 come to the daily check-in every day, I can
4 only -- I know why. It -- that was part of the
5 problem.

6 Q. How was his coming to the daily
7 check-in part of the problem?

8 A. Well, it was -- to create a hostile
9 environment. His office was across the street.

10 Q. What did he do when he came to those
11 daily check-ins that created a hostile
12 environment?

13 A. He would stand in the corner with Mr.
14 Stephen while Boz Sutowski and myself would do the
15 daily check-in and show his support or his
16 preferential treatment for Mr. Stephen in view of
17 -- full view of the staff as they checked in
18 daily, either in the office or out in the hallway,
19 just in case they didn't see him in the office.

20 Q. What was the preferential treatment
21 that he exhibited during those check-ins?

22 A. Conversing with him, standing there
23 with him, cavorting with him, having coffee with
24 him.

25 Nothing to do with our business of

1 *K. Turner*

2 checking in. Pointing out some minor points of
3 content or whatever, just making small points of
4 something that -- petty -- not infractions, just
5 petty preferences, let's say, that he had about
6 some way the check-in should be done or a person
7 or why something wasn't being done basically on a
8 daily basis.

9 Q. When he did that, did that have to do
10 with criticism that he made of you or Ms.
11 Sutowski's work or issues that had arisen?

12 Is that what you were referring to
13 when you were talking about him pointing out minor
14 points? Was that in effect his commenting on
15 issues that were arising in the building services
16 department in front of employees as part of this
17 check-in?

18 A. No, I think it was an illustration to
19 Mr. Stephen that -- maybe preparing him for this
20 position. I don't know, that when they're down --
21 this is how you do it. I'm not sure why. It was
22 a harassment. To me, it was harassment. It was
23 unnecessary and harassment.

24 Q. So am I correct what you're saying
25 while he was conversing with Mr. Stephen, part of

1 *K. Turner*

2 the content of the conversations was commenting on
3 the work that you and Ms. Sutowski were doing?

4 A. Not so much work. It might be an
5 employee or something. It could have been
6 anything. I can't say. Sometimes it wasn't a
7 comment. Sometimes it was a -- could be a stare,
8 a stern look, a look of disapproval. Could be
9 anything.

10 Wasn't necessarily a comment. Didn't
11 have to be a comment. Just the fact that he was
12 there and where he -- and where he was.

13 Q. In terms of the times that there were
14 statements, I'm trying to understand exactly what
15 you are saying.

16 A. What I'm trying to say is he was
17 undermining our position, our ability, our
18 authority to do the job properly.

19 He was -- it's more than micromanage.
20 Micromanage you can handle. That was more than
21 micromanage. That was the display of -- I don't
22 know. That was harassment. That was creating a
23 hostile work environment. We were working under
24 duress.

25 I would like to make an analogy, but I

1 **K. Turner**

2 can't at this point, but it was uncomfortable, and
3 it was unnecessary, and it was harassment.

4 Q. Let me again try to clarify just the
5 comments part of it.

6 What I'm asking is if you heard Mr.
7 DeGazon making comments to Mr. Stephen that you
8 found harassing or objectionable, and if so, if
9 you can recall the content of any of those
10 comments.

11 **MR. GOLDBERG:** I think just to make
12 sure I understand, too, I think what Keith
13 was saying -- and I'm not trying to take the
14 dep away from you, but what I think Keith
15 was saying is DeGazon was almost coaching or
16 preparing Stephen as to how he would like
17 things done and saying things in the way --

18 **THE WITNESS:** No, that's to Stephen --

19 **MR. GOLDBERG:** Undermining Keith and
20 Bozena. I think that's what Keith said, but
21 if I'm wrong, you should clarify.

22 **THE WITNESS:** I couldn't always hear.
23 You know, I didn't hear all the comments,
24 but I'm -- all I'm saying is -- what I'm
25 saying is it was quite obvious that his --

1 *K. Turner*

2 by his positioning in the -- his office is
3 across the street.

4 We are two managers trying to do our
5 job. He comes in and positions himself with
6 our subordinate and to -- to do what? To
7 show -- is he supporting us? Is he going
8 over anything to manage our building
9 services?

10 No. His only purpose there was to
11 harass us and to undermine our authority.
12 That is what I'm saying.

13 Q. Did this happen every day?

14 A. Just about, yes. Very rarely was
15 there a day he wasn't there.

16 Q. On those occasions when you could hear
17 what he was saying to Mr. Stephen, do you have any
18 recollection today of anything specific that he
19 said?

20 A. No.

21 Q. When you spoke to Mr. Morelos and he
22 told you that Mr. DeGazon hadn't wanted to hire
23 you, did he tell you anything about whether Mr.
24 Stephen had been proposed or considered for the
25 managerial position?

1 *K. Turner*

2 daily check-ins?

3 A. I told Mr. Reginald Odom.

4 Q. Who was Mr. Odom?

5 A. He -- I don't know his title. He
6 worked in human resources.

7 Q. How did you get in touch with him?

8 A. I phoned him. I spoke to him, set up
9 a meeting.

10 Q. Do you know how you got his name?

11 A. Through Ms. Sutowski.

12 Q. Do you know how Ms. Sutowski knew his
13 name?

14 A. She knew more about the people, and
15 she worked there before I did. She had more
16 contact, contact with people.

17 Q. Did Ms. Sutowski tell you whether she
18 had been having any communications with anyone
19 from human resources about any issues that she was
20 concerned about?

21 A. Yes.

22 Q. What did she tell you?

23 A. Just that she had a meeting at -- in
24 HR.

25 Q. Did she say that was with Mr. Odom?

1 *K. Turner*

2 word I said, I don't believe.

3 Q. Tell me what you told him. Tell me
4 any questions he asked, any responses he had,
5 basically what you can recall.

6 I understand you are not going to
7 recall every, single thing, but whatever you do
8 recall.

9 A. I recall voicing concerns about the
10 department. Well, what I've said previous, that
11 the undermining of the department by Mr. DeGazon's
12 actions, which I considered to be harassment,
13 being undermined on a daily basis by the check-in,
14 basically the supervisors knowing that they didn't
15 have to abide by anything, our authority, both
16 Sutowski's and mine, as the managers of the
17 department, because Mr. DeGazon and Ms. Pineda,
18 who hired the supervisors, were there every day to
19 make sure and protect them, that we couldn't do
20 our job properly, and the reason for that is I
21 believe, for instance, was my race and Ms.
22 Sutowski's race.

23 Q. Is that something you said to Mr.
24 Odom?

25 A. I said favoritism. I believe I said

1 *K. Turner*

2 the favoritism. I didn't -- I don't think I used
3 the word racist. I may have. I don't recall. I
4 know I used the word -- you have to understand Mr.
5 Odom is black, and I know Mr. DeGazon had been
6 there 35 years. I don't know how long Mr. Odom
7 had been there.

8 I knew Mr. DeGazon had a very good
9 relationship with human resources. I was trying
10 to bring up a complaint. I was trying to tread
11 lightly. I didn't know -- I didn't want
12 retaliation, and so I used the word favoritism. I
13 didn't want to call -- I was trying to be careful,
14 I suppose, so I don't know if I -- I wanted to say
15 certain things, but I was trying to be careful at
16 the same -- in the same way, because I was looking
17 at a black man trying to complain about another
18 black man, who had a long connection and history
19 together, so I used words like favoritism being --
20 I said being from St. Lucia, describing that Mr.
21 Stephen was of the same race and of the same
22 national origin.

23 I don't know if I used the -- I said
24 same -- you know, same race and using favoritism,
25 and...

1 *K. Turner*

2 Q. Sir, did you say both race and
3 national origin or just one?

4 A. Maybe race. I am not -- I can't
5 recall totally, but I -- the point was quite clear
6 that I was being treated unfavorably and I was --
7 because of -- it was made it quite clear to Mr.
8 Odom there was -- shouldn't have been any doubt in
9 Mr. Odom -- whatever words he wanted to put into
10 it, when I walked out of that room, Mr. Odom knew
11 how I felt, and he knew how Boz Sutowski felt.

12 Q. Ms. Sutowski wasn't at the meeting
13 with you, I take it, though?

14 A. No, but we were both Caucasian, and we
15 were both complaining about the same unfair
16 treatment.

17 Q. You believe he knew how Ms. Sutowski
18 felt because she had her own meetings with him; is
19 that correct?

20 A. I believe so. I believe it was
21 basically -- I mean, I don't know the details, but
22 basically the whole harassment, undermining the
23 department, undermining our authority to run a
24 department.

25 Q. Try to listen to my question. I'm not

1 *K. Turner*

2 from Mr. Stephen?

3 A. Not as much as Mr. Stephen. Mr.
4 Stephen -- I would say they were -- if -- you want
5 my opinion?

6 Q. Yes.

7 A. I would say they showed favorable
8 treatment over, say, someone like Sutowski and Mr.
9 Turner. They showed more favorable -- they were
10 nicer to the other supervisors than they were to
11 the management in that department.

12 Q. Were there any particular individuals
13 among the supervisors that they were particularly
14 favorable towards, other than --

15 A. Ms. Pineda was favorable to Ms.
16 Rodriguez because they spoke Spanish.

17 Q. What is the basis for that conclusion
18 by you?

19 A. In the main office in the daily
20 check-ins, Ms. Pineda would speak Spanish to Ms.
21 Rodriguez on a daily basis, and in fact told me I
22 should learn to speak Spanish.

23 Q. Tell me about the rest of the
24 conversation, if there was one, in which she made
25 that comment.

1 *K. Turner*

2 A. Excuse me? I was present in the
3 office. They were having a conversation in
4 Spanish. She looked at me. I don't speak
5 Spanish, and Ms. Pineda told me that I should
6 learn to speak Spanish, and I don't believe I
7 replied. I don't know.

8 Q. Do you know whether they were speaking
9 about work or about something else?

10 A. I don't speak Spanish. I don't know.

11 Q. When she said that to you, was she
12 serious, laughing, smiling?

13 How would you describe her?

14 A. I would describe her as wanting me to
15 learn to speak Spanish.

16 Q. Was she smiling?

17 A. I don't recall.

18 Q. Do you know when this conversation
19 took place?

20 A. In the morning in the main office
21 after -- after Ms. Rodriguez was hired. I don't
22 know how long after.

23 Q. Do you know what year that was?

24 A. No.

25 Q. Other than speaking Spanish with Ms.

1 *K. Turner*

2 (Defendant's Exhibit C, Documents
3 Bearing Bates Nos. N 0709 through 0730,
4 marked for identification.)

5 Q. I ask you to take a look at the
6 documents that have been marked and take the time
7 you need to review them and let me know when you
8 are done, and I'll ask you some questions about
9 them.

10 (Recess taken.)

11 **THE WITNESS:** Okay.

12 Q. I've just asked you to review and you
13 have reviewed a series of memos and some
14 attachments to some of the memos.

15 Are there any of the memos in this
16 packet that you specifically recall seeing?

17 A. I probably have seen them -- these
18 date back to 2002, upon my arrival, so yes, I've
19 seen them. I don't remember seeing the -- this
20 attendance one.

21 Q. By Bates number, we refer to the
22 number in the lower right-hand corner.

23 **MR. GOLDBERG:** N 0727. It's not
24 addressed to Keith.

25 Q. Is that the document you were

1 *K. Turner*

2 referring to?

3 A. I'm sorry?

4 **MR. GOLDBERG:** N 0727 is not addressed
5 to Keith.

6 Q. Why don't you look at that one and
7 tell me if you have seen that one before.

8 A. Yes, that's right. That's correct.
9 That's addressed to --

10 Q. Have you ever seen that before?

11 A. No.

12 Q. Other than what you might have seen in
13 connection with discovery in this case, did you
14 ever see it back in 2003?

15 A. I don't believe so.

16 Q. You made reference to another document
17 that you didn't recall having seen. Can you tell
18 me what the Bates number is of that? Is that 729?

19 A. No, I think that was it. No, I think
20 I've seen -- that was the one.

21 Q. Looking at the document marked N 710,
22 dated October 2, 2002, do you have any
23 recollection of having spoken to Mr. DeGazon or
24 Ms. Pineda about the subject matter of this memo
25 at or about that time?

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K. Turner

MR. GOLDBERG: Your question is did he discuss what's in the memo with DeGazon or Pineda?

MR. SHAPIRO: At or about that time.

MR. GOLDBERG: Around about October 2, 2002?

MR. SHAPIRO: Yes.

A. No, I don't, because --

MR. GOLDBERG: It's just yes or no.

THE WITNESS: No.

Q. The next document, 711, dated October 14, 2002, is a memo that you are CCed on.

Do you have any recollection of speaking to Mr. DeGazon or Ms. Pineda about the subject matter of this memo at or about that time?

A. No.

Q. 712 is a March 6, 2003, memo to you from Ms. Pineda.

Do you have any recollection of having a discussion with Ms. Pineda or Mr. DeGazon or Mr. Morelos about the subject matter of this memo at or about that time?

A. No. Can I say something?

MR. GOLDBERG: He's asking you a very

1 *K. Turner*

2 simple question. Did you discuss what's in
3 this memo at this time with these people?

4 **THE WITNESS:** No. I remember getting
5 these memos or seeing these memos, but I
6 don't remember discussing these memos.

7 Q. Not discussing the memos, but the
8 subject matter of the memos.

9 A. At that time, no.

10 Q. Let me ask you -- for the previous
11 ones we have just been discussing, I referred to
12 them as memos.

13 Do you recall whether at the time you
14 received 711, 712, and 713 that was by e-mail?

15 A. Can you go over that again? 711 is --

16 Q. 711, 712, and 713, were those e-mails
17 that you received? Do you know?

18 A. Either e-mails or put in my mail box.

19 Q. 714 is an August 19, 2003, memo from
20 Ms. Pineda to you. Do you recall discussing that
21 with her at or about that time?

22 A. 713?

23 Q. 714.

24 **MR. GOLDBERG:** It's addressed to
25 Bozena Sutowski, but it's a highlighter

K. Turner

1

2

copy.

3

MR. SHAPIRO: Yes.

4

A. Yes.

5

Q. Was there a discussion about the

6

subject matter of this at that time?

7

A. Yes.

8

Q. What was the discussion and who was it

9

with?

10

A. There was a discussion regarding the

11

answering of the pagers.

12

Q. Did you have a response to the

13

concerns that Ms. Pineda voices in this memo?

14

A. Yes, I -- I did respond to it. I --

15

actually, I believe I did. I think it's here. I

16

wrote a memo to -- apology to -- they were making

17

an issue, they meaning Hilda Pineda was making an

18

issue about my beeper response time.

19

I thought it was not just -- it wasn't

20

just me not answering. I was being inundated with

21

calls, faulty equipment. If you go there now,

22

you'll find that the communications department had

23

a couple of drawers full of -- after using the

24

same product, faulty beepers, so there were a few

25

issues, and I did acknowledge that, and I vowed to

1 *K. Turner*

2 Q. The next document appears to be a
3 two-page document, N 718 to 719.

4 Did you see this document at any time
5 in or about 2003?

6 A. I believe so.

7 Q. Do you recall in what connection you
8 saw it?

9 A. I think it's part of a competency
10 assessment form, part of the orientation
11 or in-service training.

12 Q. Did you have any discussion with Ms.
13 Pineda about this form or the subject matter of
14 any competency assessment that she was analyzing?

15 A. Did I have any conversation?

16 Q. With her at or about this time?

17 A. I don't recall.

18 Q. We will move to document N 722, a memo
19 to you from Ms. Pineda dated March 13, 2003.

20 Do you have any recollection of
21 discussing the subject matter of this memo with
22 Ms. Pineda at or about that time?

23 A. I don't recall conversation.

24 Q. The next memo is a two-page memo N 723
25 to 724 from Ms. Pineda to you and Ms. Sutowski

1 *K. Turner*

2 concerning a meeting that was held on April 9,
3 2003. Do you recall that meeting?

4 A. Yes.

5 Q. - Can you tell me how that meeting came
6 to be held?

7 A. There was a -- a meeting regarding how
8 things should be divided, separated out, and who
9 should be more responsible for what areas, just a
10 report of what -- to be more effective of getting
11 the policies and procedures followed, and in
12 communication there was some concern that was
13 reported by supervisors to Ms. Pineda that Ms.
14 Sutowski and I weren't communicating to their
15 satisfaction, apparently, and so she had a meeting
16 based on that false assumption.

17 Q. Did you feel that at or about this
18 time your level of communication with Ms. Sutowski
19 was satisfactory?

20 A. We were doing the job. We were
21 getting the job done. I felt at all times Ms.
22 Sutowski and I worked very hard and very
23 effectively, and we got the job done.

24 We did it, worked hard and got the job
25 done satisfactorily, yes.

1 *K. Turner*

2 Q. Do you know who among the supervisory
3 staff made any comments to Ms. Pineda or anyone
4 else at a level above you that expressed concerns
5 about communications between you and Ms. Sutowski?

6 A. It's common knowledge between Boz and
7 myself who the people were. We didn't have
8 specific -- something would happen in the
9 department and then Ms. Pineda would have
10 knowledge of it instantaneously, and so it was
11 quite obvious to us who was reporting that to Ms.
12 Pineda at a certain time.

13 What exactly that would be right at
14 the point, right now, I couldn't recall what would
15 happen, but we knew who and what.

16 Q. Who were the people that you
17 understood were communicating directly with Ms.
18 Pineda?

19 A. Mr. Lewis, Mr. Stephen, Ms. Barr, Mr.
20 Oliveros, Ms. Rodriguez, maybe Mr. Majeed, as far
21 as supervisors that --

22 Q. Was that substantially all the
23 supervisors, all or most of whom you identified
24 earlier?

25 Are there any that you would exclude

1 *K. Turner*

2 from that list of people who had a direct
3 communication?

4 A. There was -- that I exclude?

5 Q. Yes.

6 A. Exclude from the list, Jesse, which
7 I -- I don't have Jesse's last name. I'm drawing
8 a blank. Magda Aybar I would exclude from that
9 list.

10 Q. At this meeting, was anyone present
11 other than Ms. Pineda, Ms. Sutowski, and you?

12 A. I don't recall.

13 Q. During the meeting, did you make any
14 statements objecting to any of the conclusions
15 that Ms. Pineda was reaching as set forth in this
16 memo?

17 A. I don't recall if I made any comments.

18 Q. Do you recall whether Ms. Sutowski
19 made any comments during the meeting?

20 A. No, I don't.

21 Q. After the meeting, did you make any
22 complaints about the comments by Ms. Pineda to Mr.
23 Morelos or anybody else?

24 A. I don't recall.

25 Q. From April 10, 2003, forward, was the

1 *K. Turner*

2 division of responsibilities that's set forth in
3 this memo something that was adhered to?

4 A. No, not really. It was -- these areas
5 were divided. These were our main
6 responsibilities, meaning if something happened on
7 a 10th Floor when I -- when we were both at work,
8 it was my main responsibility, not Boz's, if
9 something happened on the 17th Floor when we were
10 both at work, it was her -- mostly her
11 responsibility, not mine, but we answered calls --
12 if she were at lunch on a break, we answered calls
13 for each other's areas on a daily basis, and on
14 weekends when we worked, obviously we covered each
15 other's areas, holidays, so we received so many
16 calls that it was hard.

17 You didn't not answer a call because
18 it wasn't your area, so it was interchangeable.
19 We -- but for a major -- well, not major, but for
20 some -- I can't even say for inspection purposes,
21 because just up until June when I -- two days
22 before I left, I did major inspections on the 17th
23 Floor with notes given to Ms. Rodriguez, detailed
24 inspections of each room on the 17th Floor and on
25 other floors that were not necessarily my area.

1 *K. Turner*

2 Those are Boz Sutowski's areas, so
3 even up to the day I left, I was working in her
4 areas and she on mine, so no.

5 Q. Was there any change in terms of what
6 the division was at or about this time?

7 In other words, you referred to the
8 10th Floor and the 17th Floor. Was that something
9 that had been a division prior to this memo and
10 continued to be thereafter, or was that something
11 that changed at around that time?

12 MR. GOLDBERG: I'm sorry. I'm
13 confused. If you don't mind, you are asking
14 him if this memo assigns some specific
15 responsibilities that were not previously
16 divvied up?

17 MR. SHAPIRO: Right.

18 MR. GOLDBERG: I thought he said yes
19 to that before, but I just -- the question
20 confused me.

21 A. I'm sorry?

22 Q. I think we are all or at least the
23 attorneys are a little bit uncertain about what
24 the impact was of the memo.

25 You testified about the concept that

1 *K. Turner*

2 you had certain responsibilities and Ms. Sutowski
3 had certain responsibilities, such as 10th Floor
4 versus 17th Floor.

5 A. Well, no. I said in the memo it says
6 that we had -- you will be responsible for the
7 10th Floor, me. It says Boz would be responsible
8 for a certain area.

9 You asked me did that -- was that
10 adhered to, and I said no.

11 Q. Was that something that had ever -- a
12 division like that, had that ever been in place
13 before this memo?

14 A. No.

15 Q. After the memo, is it your testimony
16 that that division existed in theory, but in
17 practice you continued to share the same manner as
18 you had shared previously?

19 A. We continued to share. We continued
20 to cover each other's areas and work as necessary.

21 Q. I'm going to ask you about the next
22 memo. N 725 is April 26, 2004, memo from Ms.
23 Pineda to three managers.

24 Do you recall any discussion with Ms.
25 Pineda about the subject matter of this memo at or

1 *K. Turner*

2 MR. SHAPIRO: I'd like to mark as
3 Exhibit E a document that on the first page
4 says, "Employee Performance Review and
5 Planning Form," and it goes from Bates
6 numbers N 694 through 708.

7 (Defendant's Exhibit E, Employee
8 Performance Review and Planning Form, marked
9 for identification.)

10 Q. I ask you to take a look at what's
11 just been marked as Exhibit E and let me know when
12 you are done reading it.

13 MR. GOLDBERG: I'll note for the
14 record while Keith looks at the document
15 that it's not clear to me that this document
16 as a single stapled document was actually
17 prepared as a single stand-alone document.
18 Are you saying that?

19 MR. SHAPIRO: I think you're right.

20 MR. GOLDBERG: I don't mind if you
21 make it one exhibit, but there are pages on
22 here from different time periods, so you can
23 keep it as a single exhibit, and Keith can
24 answer your questions --

25 MR. SHAPIRO: I'll clarify that.

1 *K. Turner*

2 MR. GOLDBERG: -- with that in mind.

3 THE WITNESS: Okay.

4 Q. Let me ask you first about the page of
5 the document that are 694 to 701.

6 Looking at those pages, can you tell
7 me whether those constitute something that you
8 were shown in or about September of 2003?

9 MR. GOLDBERG: I think 703 is part of
10 that. It's the page that says, "Meets
11 performance standards."

12 MR. SHAPIRO: Sorry, okay.

13 MR. GOLDBERG: Page 702, that I think
14 may be out of sequence.

15 MR. SHAPIRO: Let me strike that
16 question.

17 Q. Let's look at Page 702. Do you recall
18 seeing that particular page before?

19 A. No.

20 Q. If we ignore that page and discuss 694
21 through 703 --

22 MR. GOLDBERG: Put this aside and look
23 at that.

24 THE WITNESS: Yes.

25 Q. Do you recall whether that constitutes

1 *K. Turner*

2 a document that you received in or about September
3 of 2003?

4 A. Yes.

5 Q. Can you tell me the circumstances
6 under which you were given or shown that document?

7 A. Ms. Pineda gave this to me at my
8 yearly -- my annual evaluation.

9 Q. Was that the first annual evaluation
10 you had at NYU Hospital?

11 A. Yes.

12 Q. Did you have a meeting with her to
13 discuss the contents of this document?

14 A. Yes. Can I go on record as -- I
15 signed this document.

16 Q. Okay.

17 A. And I see that the follow-up date was
18 December 28. I signed it. I don't recall it
19 being almost a year -- I mean approximately a
20 year. I thought it was sometime after, but -- but
21 maybe my recollection is not --

22 **MR. GOLDBERG:** It's your signature on
23 701?

24 **THE WITNESS:** I signed it 9/29, so...

25 Q. What are you referring to when you

1 *K. Turner*

2 meetings, meetings with supervisors and managers.

3 There was a meeting -- may have been a
4 meeting with Ms. Pineda. There could have been a
5 few department meetings with Ms. Pineda and Mr.
6 DeGazon.

7 Q. Were those meetings held that were
8 held on a regular basis or just something
9 occasional?

10 A. No, there was one in -- I remember
11 meeting with Mr. DeGazon and Ms. Pineda in May
12 after we had gone to human resources.

13 Q. May 2004?

14 A. Mid May 2004, and I was told to decide
15 whether or not I wanted to work there anymore. So
16 was Ms. Sutowski.

17 Q. Tell me, how did the meeting you just
18 described come about? Were you told to go meet
19 with anyone?

20 A. I was told to meet with Mr. DeGazon,
21 and Ms. Pineda called a meeting with Boz Sutowski
22 and myself sometime in mid May.

23 Q. Tell me what you recall about
24 statements by anybody at that meeting.

25 A. Mr. DeGazon explained to us, declared

1 *K. Turner*

2 that he knew that Boz and myself had gone to human
3 resources and complained about him, and he knew
4 from human resources what was said by whom
5 verbatim, and that we had the -- we had the
6 weekend to think about it and decide whether or
7 not we wanted to work there anymore, which I took
8 as a threat to my position, my employment.

9 Q. Did you make any response during that
10 meeting?

11 A. I don't recall. I don't think I did.

12 Q. How about Ms. Sutowski? Did she make
13 any response?

14 A. I don't recall. I don't know if she
15 did.

16 Q. Did Ms. Pineda say anything at the
17 meeting?

18 A. I don't believe she did. I don't
19 recall.

20 Q. How long was this meeting?

21 A. Again, I would -- less than a half an
22 hour.

23 Q. Other than the issue of your having
24 gone to human resources, was there anything else
25 that Mr. DeGazon discussed at that meeting

1 *K. Turner*

2 bring it up to her? It's not the person to bring
3 it to.

4 Q. Did you bring up that same concern
5 ever in a face-to-face meeting with Mr. DeGazon?

6 A. No, because he was the orchestrator of
7 all of that.

8 Q. Did Mr. DeGazon ever say anything in
9 your presence that reflected that he had any bias
10 against Caucasians?

11 A. Any racial slurs?

12 Q. Yes, anything along those lines.

13 A. Caucasians?

14 MR. GOLDBERG: You mean offensive
15 comments?

16 MR. SHAPIRO: Yes.

17 MR. GOLDBERG: Anything offensive that
18 he said?

19 MR. SHAPIRO: Yes, anything offensive
20 about Caucasians.

21 Q. Not necessarily you as a Caucasian,
22 but Caucasians generally.

23 A. He called Mr. Harney a faggot. He's
24 Caucasian and the president of the hospital.

25 Q. That appears to be a comment about

1 *K. Turner*

2 sexuality.

3 I'm asking specifically about if there
4 were any comments that made reference to the fact
5 that someone was a Caucasian or was white as
6 opposed to any other characteristics that that
7 person may have.

8 A. I'm sorry. What he said about a --
9 about a Caucasian, I get your point.

10 I didn't hear him say a racial slur.
11 I didn't hear him call him somebody whitey or
12 honky or anything.

13 Q. Tell me the connection in which he
14 called Mr. Harney a faggot.

15 A. We were walking down the hallway
16 together, and I don't know why we were under
17 discussion of Mr. Harney. I don't know what
18 brought it up or what prompted it, but the fact
19 that Mr. Harney is perhaps sissified or effeminate
20 behavior maybe. He called him a faggot, that
21 faggot.

22 Q. Did you make any response?

23 A. No, I was too mortified and too upset.
24 I have many gay associates and friends worldwide.

25 No, I did not. I was too offended and

1 *K. Turner*

2 too intimidated to utter a word.

3 Q. Did you ever hear Ms. Pineda make any
4 racial slurs or derogatory comments about
5 Caucasians or whites?

6 A. That I would have to think about it.
7 I can't recall at this time.

8 Q. Did you ever hear Mr. DeGazon make any
9 slurs against people who were of United States
10 origin on the basis of that characteristic?

11 MR. GOLDBERG: You mean national
12 origin slurs?

13 MR. SHAPIRO: Yes. I don't like
14 Americans, anything.

15 A. No, I didn't hear him say you rotten
16 American person, no. I was being facetious there.
17 I didn't hear any national, American slurs.

18 Q. Did you hear any such slurs or
19 comments from Ms. Pineda?

20 A. Not that I -- I can't recall any
21 specific points in time at this time.

22 Q. Did you hear anyone else who was
23 employed at NYU at a supervisor level up make any
24 derogatory comments about whites or people of
25 United States origin, aside from those two

1 *K. Turner*

2 office every day in the main check-ins.

3 Q. Do you recall anything specific about
4 any communications you had with her during that
5 time period?

6 A. No. Oh, yes, I do.

7 Q. Tell me what you recall.

8 A. I do recall an incident. There was an
9 incident regarding Mr. Oliveros, and it was
10 something -- I don't recall exactly what it was.
11 It may have been something with a communication,
12 either him not returning a phone call to the
13 office, and Mr. Oliveros had 20 plus years of
14 service there, and Ms. Pineda was critical of me
15 for not disciplining Mr. Oliveros or further doing
16 something along is the disciplinary track to Mr.
17 Oliveros for not responding in a timely fashion,
18 according to her, and I made a comment of
19 basically Mr. Oliveros has been here for 20 years,
20 give the guy a break, basically was my -- like
21 relax a little bit. It's not that big a deal.

22 It was my take on it, my gist of the
23 conversation, and he -- Mr. DeGazon was present,
24 and they both kind of went ballistic over this of
25 how dare I even make mention after I was given a

1 *K. Turner*

2 that there might be any reductions in force at the
3 hospital?

4 A. No, I don't recall.

5 MR. GOLDBERG: If you don't, that's
6 fine.

7 Q. Tell me how you were informed that you
8 were being terminated.

9 A. I was brought into Mr. DeGazon's
10 office in the presence of Ms. Pineda.

11 Q. Anybody else there?

12 A. No.

13 Q. Who spoke to you?

14 A. Mr. DeGazon.

15 Q. What did he say?

16 A. He said my job was being eliminated
17 for budgetary -- they had no money, couldn't
18 afford to pay me anymore.

19 Q. Did you make any response?

20 A. No, I believe I didn't have a response
21 to Mr. DeGazon. I asked him when he got done
22 speaking if he were through and if I could go to
23 my office and collect my -- what else I was
24 supposed to do, and he told me to report to human
25 resources at a certain time.

1 *K. Turner*

2 Q. Approximately how long did this
3 meeting take place?

4 A. Five minutes.

5 Q. How long did this meeting take?

6 A. Five minutes.

7 Q. Any other words that anybody else said
8 that you can recall, other than what you just told
9 me?

10 A. No. You mean any other person speak?
11 Mr. -- Ms. Pineda, no.

12 Q. Anything else that Mr. DeGazon said or
13 that you said beyond what he told you?

14 A. No, I can't recall. What I recall is
15 what I said.

16 Q. Did they give you any documents at
17 that time?

18 A. No.

19 Q. Did you then go to human resources?

20 A. I went to my office.

21 Q. Sometime after that, that day, did you
22 go to human resources?

23 A. Yes.

24 Q. Did you meet with anybody there?

25 A. Yes.

1 *K. Turner*

2 Q. Who did you meet with?

3 A. Mark Parauda.

4 Q. Tell me what the conversation was
5 between you and Mr. Parauda.

6 A. I don't recall much of the
7 conversation. I recall him giving me documents,
8 layoff documents or separation documents,
9 basically saying about the budget or whatever.

10 MR. GOLDBERG: The documents speak for
11 themselves. He wants to know if you spoke
12 to him.

13 A. That's all, and that's what I recall,
14 getting the documents and going on my way.

15 Q. Did you make any complaints to him
16 about your termination or about anything else
17 regarding your employment that day?

18 A. No, I did not.

19 Q. Is he the only person from human
20 resources that you spoke to that day?

21 A. Yes.

22 Q. Were you told what the effective date
23 of your termination was going to be?

24 A. Well, it was effective -- well, there
25 is a -- the payment plan or whatever, so it was

1 *K. Turner*

2 jobs and send out, and monster.com are
3 listed, and employers can contact you.

4 Q. You have placed a listing with
5 monster.com?

6 A. Waiting to be contacted, hoping to be
7 contacted.

8 Q. As you understand the process, if
9 there is an interest by an employer in response to
10 your resume, you will receive some kind of contact
11 through monster.com; is that correct?

12 A. Yes.

13 Q. Have you listed with any other of the
14 competitors of monster.com?

15 A. I believe I was previously. I don't
16 know if it's on there now. I received help
17 through a few people I know have helped me with my
18 search.

19 Q. Did you utilize any out placement
20 services from NYU Hospital?

21 A. No, I did not. Actually I thought --
22 no, I did not.

23 **MR. SHAPIRO:** Let's mark as Exhibit G
24 a two-page document P 116 to 117.

25 (Defendant's Exhibit G, Documents

1 *K. Turner*

2 Bearing Bates Nos. P 116 to 117, marked for
3 identification.)

4 Q. Can you take a look at that, and when
5 you are done tell me what it is, if you know.

6 A. This was a meeting in -- on June 8
7 with my name, addressed to me at a supervisor's
8 meeting in Mr. DeGazon's handwriting.

9 Q. Was this the same as the meeting you
10 described earlier, in which he expressed his
11 unhappiness about your having gone to human
12 resources?

13 A. No, this was a different meeting.

14 Q. Tell me what you can recall about this
15 meeting, where was it held, who was present and
16 what was said.

17 A. This was in June. The other meeting
18 that we were referring to was back in May. This
19 was in June. There was a -- in the main building,
20 near his office, and there were supervisors and
21 managers, and the end of -- I believe there were
22 some other supervisors present.

23 Ms. Sutowski was there, and I was
24 there, and to me this was a response to Ms.
25 Sutowski and I going to human resources, another

1 *K. Turner*

2 form of harassment, cop-outs, hold-outs, all this
3 about cop-outs, commitment, are you a coward.

4 I don't understand the type of
5 meeting. To me, the only point to this meeting
6 was again to further harass and to create a
7 hostile work environment for Ms. Sutowski and
8 myself.

9 Q. Was this memo also given to Ms.
10 Sutowski, do you know?

11 A. I don't know. This one has my name.
12 I don't know.

13 Q. Do you know whether it was given to
14 anybody else who was present at the meeting?

15 A. I don't know. I can't say.

16 Q. What do you recall, if anything, Mr.
17 DeGazon saying during this meeting?

18 A. I don't recall the particulars, but
19 it's outlined in here. Obviously the subject
20 matter is commitment.

21 MR. GOLDBERG: Don't guess what he
22 said.

23 Q. That's what the document says.

24 A. I was given the document, but I think
25 I answered the question. I thought it was

1 *K. Turner*

2 harassment to give me a document on June 8 after I
3 had gone to human resources and discussed
4 commitment.

5 Q. You are not listening to my question.
6 All I'm asking you is what did he say, not what
7 the document says, not what you thought the
8 document says, just what he said.

9 A. I don't recall.

10 Q. Do you recall anything anybody else
11 said at that meeting?

12 A. I don't recall. I don't believe it
13 was for anybody else to say anything. It was his
14 meeting.

15 Q. Do you know approximately how long
16 this meeting lasted?

17 A. No, I do not.

18 Q. Was Ms. Pineda present?

19 A. I don't recall. Most likely.

20 Q. Do you have any recollection whether
21 he used the word coward when he was speaking that
22 day?

23 A. Possible. I don't -- I can't -- I'd
24 have to think about it.

25 Q. Did you ever discuss the contents of

1 *K. Turner*

2 this memo with any of your colleagues at NYU prior
3 to the time that you were terminated?

4 A. I don't recall if I had a conversation
5 with Ms. Sutowski or not.

6 Q. Anybody else?

7 A. I don't recall.

8 Q. Do you have any recollection of Ms.
9 Pineda making any comments about your overall job
10 performance after the date of your September '03
11 performance review?

12 A. No, no, I don't. To my knowledge, I
13 was performing to the standards of the department.

14 Q. Have you ever been convicted of a
15 crime?

16 A. No.

17 Q. Did you review any documents in
18 preparation for this deposition, other than the
19 documents that you produced during discovery or
20 that NYU produced during discovery?

21 A. No.

22 Q. Did you talk to anybody to prepare for
23 your deposition, other than your attorney?

24 A. No.

25 Q. Have you spoken to anybody to ask them